In re Application of:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 1636

TECH CENTER 1600/2900

Examiner:

Atty. Docket: 4001-0003CIP

Masayuki Fukumura, et al.

Serial No.: 09/843,922

Filed: April 30, 2001

For: Negative-sense RNA Virus Vector For

Nerve Cell

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

⊠1.	This Information Disclosure Statement is being filed within three months of the U.S. filing date								
	OR before the mailing date of a first Office Action on the merits. No certification or fee is								
	required.								
□ 2.	The Information Disclosure Statement is being filed more than three months after the U.S. filing								
	date AND after the mailing date of the first Office Action on the merits, but before the mailing date								
	of a Final Rejection or Notice of Allowance.								
	□а.	I hereby certify that each item of information contained in this Information Disclosure							
		Statement was cited in a communication from a foreign patent office in a counterpart							
		foreign application not more than three months prior to the filing of this Information							
		Disclosure Statement. 37 C.F.R. § 1.97(e)(1).							
	□ b.	I hereby certify that no item of information in this Information Disclosure Statement was							
		cited in a communication from a foreign patent office in a counterpart foreign application							
		or, to my knowledge after making reasonable inquiry, was known to any individual							
		designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this							
		Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).							
	□ c.	Attached is our check no in the amount of \$ in payment of the fee under							
		37 C.F.R. § 1.17(p).							
□ 3.	This Information Disclosure Statement is being filed more than three months after the U.S. filing								
	date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of								
	the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered.								
	Attached is our check no in the amount of \$130.00 in payment of the fee under 37								
	C.F.R. § 1.17(i)(1).								
	□a.	I hereby certify that each item of information contained in this Information Disclosure							
		Statement was cited in a communication from a foreign patent office in a counterpart							
		foreign application not more than three months prior to the filing of this Information							
		Disclosure Statement 37 C F.R. & 1.97(e)(1)							

	□ b.	I hereby certify that no item of information on this Information Disclosure
		Statement was cited in a communication from a foreign patent office in a counterpart
		foreign application or, to my knowledge after making reasonable inquiry, was known to
		any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the
		filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
□4.	Releva	nce of the non-English language document(s) is discussed in the present specification.
□ 5.	The do	cument(s) was/were cited in a corresponding foreign application. An English language
	versior	n of the foreign search report is attached for the Examiner's information.
□ 6.	A conc	rise explanation of the relevance of the non-English language document(s) appears below:
□ 7.	The Ex	saminer's attention is directed to co-pending U.S. Patent Application No,
	filed _	, which is directed to related technical subject matter. The identification of this
	U.S. Pa	atent Application is not to be construed as a waiver of secrecy as to that application now or
	upon is	ssuance of the present application as a patent. The Examiner is respectfully requested to
	conside	er the cited application and the art cited therein during examination.
□8.	Copies	of the documents were cited by or submitted to the Office in Application No.
		, filed, which is relied upon for an earlier filing date under 35 U.S.C.
	§ 120.	Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. **50-0622**. A duplicate copy of this paper is enclosed.

Respectfully submitted,

SHANKS & HERBERT

Mark R. Shanks

Reg. No. 33,781

Date: August 2, 2001

TransPotomac Plaza 1033 N. Fairfax Street Suite 306 Alexandria, VA 22314 703-683-3600

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